

Claims 2-4 and 8-15 have been objected to because the respective preambles of these claims were not consistent with the preamble of the independent claim as previously presented. Claims 8-10 are cancelled. Claims 2-4 and 11-15 have been amended to reflect a consistent preamble with claim 1, the claim from which they depend. Therefore, this objection should be withdrawn.

35 U.S.C. § 103

Claim 1 has been rejected under 35 USC § 103(a) as being obvious and therefore unpatentable over Forte, U.S. 5,428,310.

Referring to MPEP §§2144-2146, in a rejection for obviousness under 35 USC §103(a), the teachings of the reference may be modified in order to meet the claim, but there must be suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. There must also be reasonable expectation of success, and the prior art reference must teach or suggest all of the claim limitations.

Applicant discloses and claims a protection system for use during outside activities for protection of a wearer against crawling insects such as deer ticks carrying Lyme Disease. The protection system comprises a set of clothing articles donned by a person to be protected by the set of protection elements and defining the corresponding set of clothing openings.

Each protection element of the set of protection elements comprises an elongate substrate having a first, inner surface and an opposite, second, outer surface, a first, inner adhesive layer adhered upon the first, inner surface of the substrate and having an adhesive surface that, upon exposure, releasably adheres the protection element upon a clothing surface of the set of clothing articles in a region adjacent to the corresponding clothing opening, and a second, outer adhesive layer adhered upon the second, outer surface of the substrate and having an adhesive surface that, upon exposure, acts to impede advancement of insects crawling upon the clothing surface of the set of clothing articles into contact with the adhesive surface of the second, outer adhesive layer from proceeding thereacross toward the corresponding clothing opening.

Claim 1 has been amended to include the features of claims 8 and 9, both of which have been the subject of prior inspections and have been addressed in several prior office actions.

According to the invention, as now more clearly claimed, the set of clothing openings protected consists of long shirt sleeves and long pant cuffs and one or more of waist band, shirt collar, and shirt front. The protection system also includes a set of protection elements pre-configured and pre-cut to shape and length to conform to the corresponding set of clothing openings. None of the prior art references relied upon by the Examiner, whether taken alone, or in any proper combination, teaches or suggests Applicant's invention as now claimed. More specifically, none of the prior art references teaches or suggests a set of protection elements that can be used by walkers, hikers, birdwatcher, hunters, and parents with children to provide protection about a waist band, shirt collar or shirt front. At most the prior art references disclose designs that provide protection only about the limbs (legs and/or arms). In addition, none of the prior art references relied upon by the Examiner teaches or suggests a set of protection elements that is pre-shaped and pre-cut for use about these particular clothing openings.

In particular, Forte '310 describes a sock or stocking designed to be "worn on a foot and leg portion of a person doing insect infestation inspections" (col. 6, lines 1-3) and comprising an insect barrier ring, which may comprise double-sided tape or fly-paper, affixed about a top portion of stocking (col. 3, lines 27-35) serving "to prevent ticks and other insects from crawling upwardly and coming into contacts with the trousers or skin of the pest control agent" (col. 3, lines 36-39). Forte '310 neither teaches nor suggests Applicant's invention of a set of protection elements for protecting a corresponding set of clothing openings including waist band, shirt collar, shirt front, long shirt sleeves, and long pant cuffs, with each protection element pre-configured and pre-cut to shape and length to conform to the corresponding clothing opening.

Instead, Forte '310 describes a sock for use about a wearer's foot or leg. There is no teaching or suggestion by Forte, nor by any other reference alone or in combination, beyond a protection device for pant and/or shirt cuffs. Specifically, referring to FIG. 6, neither Forte nor any other reference teaches or suggests a protection system suitable for use about a waistband, shirt front, or shirt collar, and, although Forte discloses the use of double-sided tape and/or fly paper as an insect barrier ring, neither Forte nor any other reference teaches or suggests protection elements that are pre-configured and pre-cut to shape and length to conform to the corresponding clothing opening.

In addition, Forte '310 teaches away from the Applicant's invention. Specifically, an objective of the Applicant's invention is to provide a device that can be employed easily and effectively during outdoor activities, that protects against deer ticks carrying Lyme Disease and alleviates the disadvantage of having to tuck long hair into a cap or hat, tuck long shirt tails into pants and tuck pant cuffs inside socks or boots. Conversely, Forte '310 describes a sock comprising an elastic band sewn unto the top of the sock designed to secure an upper portion of the sock in place *over* the user's leg and trousers." (col. 3, lines 27-29; see also, col. 4, lines 3-6; col. 4, lines 35-40; and col. 4, lines 67-68) (emphasis added).

Additionally, claims 2-4 and 8-11 are rejected under 35 USC § 103(a) as being obvious and therefore unpatentable over Forte '310 in view of Sekula, U.S. 3,816,956; and claims 12-15 are rejected under 35 USC § 103(a) as being unpatentable over Forte '310 in view of Luria et al., U.S. 5,381,557. Sekula '956 merely discloses a double-sided tape for catching insects which is initially in roll form and which can be cut to a desired length for use on a floor or other supporting surface. Sekula does not disclose the use of a set of protection elements for protection of a corresponding set of clothing openings. Luria et al. '557 describes a cuff designed to be worn about a limb (arm or leg), with double-faced adhesive tape applied to the surface of the cuff serving as a barrier to trap and hold a passing insect. However, Luria et al. '557 does not disclose a set of protection elements that is pre-configured and pre-cut to shape and length to conform to the corresponding set of clothing openings, nor does it disclose a set of protection elements designed for use about a waist band, shirt collar, or shirt front. As mentioned above, claims 8-10 are cancelled. As claims 2-4 and 11-15 depend from independent claim 1, Applicant submits that claims 2-4 and 11-15 are allowable for at least the same reasons.

CONCLUSION

In view of the above, the pending claims are believed to meet the formal requirements for issuance and such action is respectfully requested.

No fee is believed to be due for this Amendment; however, if any fees are due, please apply such fees to Deposit Account 06-1050 referencing Attorney Docket No. 12912-002001.

Applicant : Paul M. Cosenza
Serial No. : 10/083,000
Filed : February 26, 2002
Page : 9 of 9

Attorney's Docket No.: 12912-002001

Respectfully submitted,

Date: October 18, 2005

A handwritten signature in black ink, appearing to read 'Timothy A. French', is written over a horizontal line.

Timothy A. French
Reg. No. 30,175

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21185068.doc